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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-eighth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 13 May 2002, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3.10 p.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3) (continued)

Day of general discussion on article 3 of the Covenant: equal right of men and women to the enjoyment of the economic, social and cultural rights set forth in the Covenant (continued) (E/C.12/2002/4, E/C.12/2002/6 and E/C.12/2002/8)

1. The CHAIRPERSON invited the speakers to reply to the questions outstanding from the previous meeting.

2. Ms. GOONESEKERE (Committee on the Elimination of Discrimination against Women), regarding whether the Committee could identify certain rights as being women's rights, said that it was important to place women's rights in the context of human rights in general and to consider human rights as indivisible and integrated. While civil and political rights were generally perceived to be immediately realizable, social and economic rights could be realized only progressively, depending on available resources. As resources were currently not shared equally between men and women, planning for women was central to the implementation of social and economic rights; however, it was impossible to address gender inequalities without taking a holistic view of the interests of all members of the community. It was important to address issues specific to women, but within the context of the general norm of equality in society.

3. The integration of international human rights jurisprudence into domestic jurisprudence was very important; ideally, the general comments and recommendations of the Committee should be reflected in court decisions and policy planning and should be used by individuals to contend that economic, social and cultural rights were basic, enforceable rights.

4. Temporary special measures did not undermine the concept of equality; on the contrary, they were an affirmation of equality. Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women made it clear that the adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women should not be considered discrimination, and would in no way entail as a consequence the maintenance of unequal or separate standards. Equality was therefore interpreted as being substantive, and not merely formal. Even if men and women were equal before the law, it was possible that such formal equality could result in greater discrimination against women, so that formal equality was not adequate. It was essential to address the real situation and take measures to ensure that such distortions did not occur. The achievement of substantive equality was at the core of realizing equality.

5. Ms. SCHOPP-SCHILLING (Committee on the Elimination of Discrimination against Women) said that the Human Rights Committee had addressed the relationship between equality, non-discrimination and temporary special measures in two of its general comments. It was important to consider the definitions of discrimination contained in the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the

Elimination of All Forms of Racial Discrimination, and various general comments, all of which made it clear that the term applied not only to direct and intentional discrimination, which was less common today, but also to indirect discrimination. There was now a greater understanding of the nature of discrimination by effect, which could be discovered if an effective gender analysis instrument was applied.

6. Ms. DAY (Women's Economic Equality Project) said that article 3 of the Covenant sought to ensure that men and women possessed precisely the same legal entitlement to the enjoyment of economic, social and cultural rights. In that respect, women's rights could not be separated from other human rights. However, women often suffered substantial and disproportionate difficulty in securing their human rights, so it was sometimes necessary to take special steps to ensure that they could benefit from equal rights. For example, General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women (CEDAW) specifically addressed the problem of violence against women. Men did not have the same need for protection as women did in that respect.

7. It was not enough for the law to state that men and women should be treated equally; it was important to address the factual situation and recognize that men and women did not benefit from the equal enjoyment of rights. Failure to address existing inequalities might mean that they would be cemented in place. It was therefore sometimes necessary to treat women and men differently in order to compensate for existing inequalities.

8. Ms. FREEMAN (International Women's Rights Action Watch) said that none of the international human rights treaties, which derived from the Universal Declaration of Human Rights, defined a special set of rights for women. The Convention on the Elimination of All Forms of Discrimination against Women had been established not as a declaration of a new set of rights for women, but as a statement of the obstacles that were preventing women from the equal enjoyment of their rights. Reference was often made to conflicts between rights and the different priorities of the human rights treaties. However, the various treaties were interrelated; they did not address separate sets of rights, but different sets of obstacles to the enjoyment of the rights enshrined in the Universal Declaration.

9. Mr. KOLOSOV said that the issue of budget allocations should be clarified. He would like to know whether separate funds should be earmarked for women's health and education.

10. Ms. GOONESEKERE (Committee on the Elimination of Discrimination against Women) said that although the budgets of many developing countries were not specifically targeted at men, the situation of women was often neglected. While it was not necessary to allocate a budget specifically for men and a separate one for women, resources should be allocated to ensure that women had access to services such as health and education. There was an increasing focus on economic growth, allocations for the social sector were being reduced, and the measures being taken to ensure access of women and girls to health and education were inadequate. In that respect, gender-sensitive budgeting was crucial to the implementation of economic, social and cultural rights.

11. Ms. DAY (Women's Economic Equality Project) said that in order to comply with article 3 of the Covenant States parties should ensure that the maximum available resources were provided to ensure that men and women could enjoy on an equal footing the rights enshrined in the Covenant. It was important to allocate a budget that would guarantee a substantively equal outcome for both men and women.

12. Ms. MORVAI (ELTE University), introducing a background paper on domestic violence (E/C.12/2002/8), said that domestic violence was a gender-specific phenomenon and a manifestation of discrimination against women. The paper outlined the history of the development of international standards in the field, starting with the World Conference of the United Nations Decade for Women, held at Copenhagen in 1980. For the first time domestic violence had been recognized as a public rather than a private issue, to be addressed by Governments and the international community.

13. The second phase had begun with the 1993 Vienna World Conference on Human Rights, which had introduced a new concept of human rights and called for the integration of women's issues into the realm of human rights. In traditional human rights discourse, the State was requested not to act in violation of the individual's fundamental rights and only had obligations regarding violations by its own agents. The Vienna Conference had stated that rights could be violated by the State's failure to protect the victim from abuse by private individuals. Governments were therefore expected to intervene actively to protect women.

14. The third phase, characterized by the detailed elaboration of specific tasks in State legislation and criminal justice measures, had begun in the mid-1990s. Several international control mechanisms had been established, including the Special Rapporteur on violence against women and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which established an individual complaint mechanism allowing women to seek action against the failure of their Governments to provide them with adequate protection.

15. Women who were victims of domestic violence were denied the enjoyment of the substantive rights enshrined in the Covenant. For example, they were often forced to leave their own homes in order to protect themselves and their children from abuse. It was essential to determine the State's responsibilities when an individual violated any of the rights in the Covenant, such as the right to adequate housing. It was important to highlight that States had a responsibility to provide safe shelter for victims of domestic violence, to take all possible steps to prevent domestic violence, and to ensure that it was not the victims who were forced to give up their right to adequate housing.

16. She drew attention to the need for substantive, as opposed to merely formal, equality, saying that States that provided no protection to women against domestic violence could argue that they were doing nothing in violation of article 3 of the Covenant, on the ground that they did nothing to protect men either. Keeping domestic violence in the private sphere meant that society was abdicating its responsibilities towards women. Domestic violence was a crucial cause of female poverty; women who fled the home as a result almost invariably became poor.

17. The State's obligations with regard to the health implications of domestic violence included the provision of training for medical personnel so that they recognized the nature and dynamics of domestic violence. Domestic violence also affected the rights of children who witnessed the abuse of their mothers.

18. While recognizing the possibility of duplication if both the Committee and CEDAW worked on the issue of domestic violence, it was unlikely that there was any immediate risk of an over-abundance of international protection for women with regard to their economic, social and cultural rights.

19. Ms. FARHA (Centre for Equality Rights in Accommodation), introducing a background paper on the right to housing (E/C.12/2002/6), said that the Committee would find that women's experience with regard to virtually every aspect of housing was defined by discrimination, inequality and disadvantage. It was only logical that for women to enjoy the right to adequate housing that right must be interpreted and implemented in a non-discriminatory manner. Women's enjoyment of economic, social and cultural rights must be based on substantive equality.

20. Discrimination and inequality took myriad forms. The most frequent example was when a law, practice or policy blatantly drew a distinction between groups on various grounds. Such blatant discrimination occurred regularly in Canada, where some landlords, for example, refused to rent to single mothers or to women on social welfare.

21. Discrimination could be obscured by non-discriminatory legal language. Mortgagees in Canada required mortgage insurance if potential mortgagors did not have a 25 per cent down payment; that, in turn, required evidence that mortgage payments would not represent more than 32 per cent of income. While the policy was gender neutral, women were most affected because of their poverty. At the same time, developments in the rental market made home ownership the only viable option for many women. The right to housing should be implemented in a manner that granted women substantive equality through programmes premised on an understanding of their material circumstances and their overall economic, social, legal and political position in a given society. Governments must challenge gender stereotypes and abolish discriminatory programmes that only recognized male heads of household, attempt to prevent discrimination by private actors with regard to the sale or rental of property, and establish interest-free lending programmes for all low-income women.

22. Substantive equality imposed on States the immediate and simultaneous realization of the obligations to respect, protect and fulfil. In many jurisdictions women did not enjoy equal rights to housing owing to a confluence of factors including discriminatory laws, third-party practices, women's general social and economic disadvantage, and gender stereotypes. States parties must be obliged concurrently to refrain from acting harmfully and to take positive steps. To meet only one of those obligations would result in only partial enjoyment of the right to non-discrimination, and would not allow the equal enjoyment of economic, social and cultural rights. Governments needed to anticipate the discriminatory impact of gender-neutral policies.

23. She commended the Committee on its timely intent to adopt a general comment on women's equal enjoyment of economic, social and cultural rights.

24. The CHAIRPERSON said that the Committee based its general comments on its experience with States parties' reports, and now felt ready to draft a general comment on article 3.

25. Ms. WESTENDORP (Netherlands Institute of Human Rights) said that the Committee had already performed sterling work on the right to housing, as manifest in its General Comments Nos. 4 and 7. It was not possible to attain a gender-neutral approach to the right to housing. What should be sought was equal enjoyment of the right to housing for both sexes, which was possible only if the specific needs and problems of women were taken into account. The causes of homelessness included poverty, natural and man-made disasters and forced evictions, which were not completely gender-neutral since women were poorer than men, and more women lived in disaster-prone areas.

26. Other female-specific aspects were traditional behaviour patterns and domestic violence. In many countries widowhood meant loss of status within the husband's family and of the right to continue to live in the marital home. Women who had been abused at home were inadequately housed if they remained and often became homeless if they left. Some countries had no shelters for battered women.

27. Women should have the right to leave a home in which they were abused and to be housed in peace and dignity. Single parents, 90 per cent of them women, reportedly headed one third of the world's households.

28. While laws should take specific gender circumstances into consideration, even more important than legal measures was the abolition of gender stereotypes and traditions that denied women equal access to socio-economic rights. It would be helpful if the equal enjoyment of those rights were highlighted in the Committee's general comment, the aim being less that equal rights should be conferred on women - who already had them, at least on paper, in most countries - than that all obstacles that placed them in an inferior position should be removed and that they should be empowered to enjoy their rights.

29. Mr. SADI said that requiring States parties not only to enact non-discriminatory laws but also to anticipate any adverse effects appeared to be asking too much. Did they have a crystal ball that enabled them to foresee those effects?

30. Mr. ATANGANA said that women themselves also had responsibility for the domestic violence perpetrated against them since they were often unwilling to report such acts. Awareness-raising was needed in many African countries where women saw domestic violence as proof of their husbands' interest in them and considered themselves neglected if they were not beaten.

31. Mr. MALINVERNI, referring to Mr. Sadi's question, said that indirect discrimination was involuntary by definition. It was not a question of possessing a crystal ball. It was the responsibility of States parties to assess the effects of laws through the courts, which could determine whether a law that was not intentionally discriminatory when enacted had in fact become so.

32. Ms. LAHDUYT (International Labour Organization) said that her organization had produced a written statement containing comments relating mostly to articles 6, 7 and 8 of the Covenant. She called particular attention to the comments on fair wages and equal pay for equal work.

33. Mr. RIEDEL praised ILO for its impressive paper, which, although brief, addressed core issues of particular relevance to the Committee's general comment. ILO, with its enormous experience in drafting comments and treaties, had always been a staunch supporter of the Committee's general comments.

34. Ms. GOONESEKERE (Committee on the Elimination of Discrimination against Women) said that both domestic violence and housing, were key issues, central to the realization of the equality agenda. CEDAW addressed the issue of access to shelter on the basis of equality in the context of its article 16 on family law and in considering the situation of rural women. Domestic violence and housing were interrelated issues in the break-up of families, affecting women's access to the matrimonial home, and in inheritance law, which was connected with the right to land and ultimately the right to shelter. Provisions of both the Covenant and the Convention on the Elimination of All Forms of Discrimination against Women referred to the importance of family, the centre not only of love and caring but also of violence; women must be cushioned from the impact of violence.

35. Where policy formulation was concerned, no crystal ball was necessary. Today legislative drafting was not a matter for lawyers alone. Because laws reflected policy, gender impact assessments - similar to the widespread environmental impact assessments - were increasingly called for before legislation was passed in a legislative drafting process that had become much more consultative.

36. In South Africa, for example, lawmaking involved the experiences and inputs of many elements of society. The aim was to ensure that the law was not an end in itself, but part of a general policy aimed at achieving certain goals. In the reform of land or inheritance law, CEDAW encouraged States to hold consultations when adopting new instruments, so as to anticipate and prevent distortions in their effects.

37. The focus on discrimination against women in public affairs rather than in private life had perhaps resulted in some neglect of domestic violence. However, it must be remembered that domestic violence was also addressed by criminal law in each State. Women's groups had quite rightly pointed to the importance of social attitudes in protecting victims of domestic violence. Legal systems in some States provided defences for perpetrators of domestic violence under the guise of emotional crimes or provocation of violence, concepts highly dependent on social attitudes. The State or its agents sometimes failed to take action when domestic violence was reported, a problem that could be addressed through the training of police officers and members of the judiciary. Those factors indicated that domestic violence was not merely a private issue, but a public one as well.

38. Ms. SCHOPP-SCHILLING (Committee on the Elimination of Discrimination against Women) drew the attention of the Committee to the importance of the Declaration on the

Elimination of Violence against Women, which reflected CEDAW's General Recommendation No. 19 on violence against women. Those texts made it quite clear that domestic violence was a violation of women's human rights.

39. The idea prevalent in Africa that love of women could be expressed through violence towards them pointed to the important role of customs and stereotypes that were clearly at variance with human rights. They needed to be addressed by CEDAW, but also by the Committee in its future general comment. Gender impact analysis was not a question of crystal-gazing, but of frank evaluation carried out with sufficient consultation. Recent studies had shown the need to take gender into account even in the design of such public facilities as cemeteries.

40. Mr. HUNT, expressing satisfaction at the cooperation between CEDAW and the Committee, noted that there was indeed a great gap between formal equality, which was necessary but not sufficient in itself, and substantive equality. The Committee must help to achieve the latter, or it would inadvertently perpetuate inequality.

41. International human rights law was informed and animated by the concept of substantive equality. For example, article 1 of the Convention on the Elimination of All Forms of Discrimination against Women referred to the concepts of both purpose and effect, and the Human Rights Committee had in its General Comment No. 18 adopted a similar position. It would be regressive if the Committee did not embrace the concept of substantive equality.

42. Ms. FARHA (Centre for Equality Rights in Accommodation) said that by the very nature of lawmaking legislators naturally sought to foresee and match the purposes and effects of the laws they adopted. That was clearly not crystal-gazing. The important thing was for them to take a gender analysis into consideration when doing so. It was all the more important to draw attention to the duty to consider such factors because many Governments already had the required information at their disposal.

43. Mr. RIEDEL said that the main point Mr. Sadi had been trying to make was that the Committee was not a legislative body but a treaty monitoring body, and that it must therefore show the utmost caution in recommending legislative courses of action to States. There was a fine line between interpreting provisions of the Covenant and advocating human rights policies in general, however laudable they might be. The Committee should endeavour to work with States to extend the reach of the Covenant whenever they were willing to do so. However, the main focus of treaty bodies was not policy orientation, which was covered inter alia by certain specialized agencies, but the elucidation of legal obligations.

44. Ms. MORVAI (ELTE University), addressing the comments made by Mr. Atangana, said that she as a criminal lawyer was aware that when a crime took place, the perpetrator was normally held responsible by the police, the prosecution, the judiciary and society. However, for certain offences committed almost exclusively by men, such as rape, domestic violence, sexual harassment and sexual abuse of children, women were commonly held responsible.

45. If there was a need for education to change attitudes the onus should surely be placed on men, not women. Decision-makers, including policemen, prosecutors, judges, government officials and legislators, should be better informed of the issue of domestic violence, a crime which claimed several lives in every country, every week.

46. Ms. RIVERA-LASSEN (Latin American and the Caribbean Committee for the Defence of Women's Rights) said that in order for States to evaluate the implementation of article 3 of the Covenant they must focus on economic and social indicators of the status of women.

47. In the past, States had concentrated on the implementation of civil and political rights rather than economic, social and cultural rights, because the latter involved more expense and required more government intervention. Study after study had found that the poorest of the poor were women. Those women required protection if they were to enjoy the rights enumerated in articles 3 and 2 (2) of the Covenant.

48. The Governments of Latin America and the Caribbean took decisions on macroeconomic policies without taking into consideration either their effects on women or women's needs, rights and living conditions. Accountability and consultation mechanisms were inadequate. Because of privatization and trade liberalization, job security was becoming increasingly precarious, and women were the more seriously affected. There were proposals to curtail maternity rights and to increase the retirement age. The only way for women's contributions to society to be recognized would be for States to appropriate budget resources to cover domestic work, care for family members, child rearing and education.

49. There had been a trend towards cutting back on social services, and it had had an impact first and foremost on women in the poorer sectors of society, reducing their opportunity to enjoy the rights to health, housing, social security and education. The richest 20 per cent of the population in the region benefited from 33 per cent of public expenditure on education, while the poorest 20 per cent received only 13 per cent of public resources.

50. It was necessary to understand the ways in which gender discrimination combined with other forms of discrimination, including racism. Special attention must be paid to developing policies and programmes for women who suffered from such multiple forms of discrimination. In Latin America and the Caribbean, most of the people living in the worst conditions were members of indigenous, Afro-Latin or Afro-Caribbean groups. Among them, the human rights of women were violated with impunity. While international consideration of human rights issues had benefited the cause of human rights and women's rights in particular, an ethnic-racial perspective was still, unfortunately, absent.

51. Ms. GRATEROL (International Women's Rights Action Watch Asia Pacific) said, with regard to multiple, or intersectional, discrimination, that the Committee must encourage women to assert and claim their rights by calling on their Governments to establish appropriate mechanisms.

52. Other committees had used the definition of discrimination in the Convention on the Elimination of All Forms of Discrimination against Women, and it would be important for the

Committee to take that instrument into account when drawing up its general comment. As long as policies were gender-blind, they would maintain disparities and inequality. It was therefore necessary to promote women's rights to achieve substantive equality.

53. Substantive equality meant equal opportunity, including equal access for boys and girls to primary and post-primary education, for equal participation in society. Income differentials must be reduced. Such progress could be monitored if appropriate data were available; it was therefore crucial to have access to data disaggregated by gender and by ethnicity. It was clear that certain groups of women had special needs. For example, women in rural areas often required specifically targeted programmes. In addition, intersectional discrimination could stem not only from gender or ethnicity, but might also include such factors as the marital status, sexuality or family situation of women.

54. As for the measures that States could take to improve the lot of women, the Committee might consider the fact that CEDAW had on numerous occasions called for temporary special measures, and that the Human Rights Committee had called for affirmative action. What was required was positive, proactive government efforts, including incentives for the private sector, with a view to promoting substantive equality. That might include affirmative mobilization to enable women to assert their rights; affirmative fairness to provide specific remedies for specific violations; and positive special measures, which could involve affirmative action.

55. Mr. KOTHARI (Special Rapporteur of the Commission on Human Rights on adequate housing) said he was pleased to see that certain principles, such as the indivisibility of human rights, were being taken as the starting point for the drafting of the general comment, but he thought more account should be taken of the principle of self-determination. The provision in article 1 of the Covenant that all peoples were allowed to dispose freely of their natural wealth and resources and that no people could be deprived of its means of subsistence could be linked to poverty, which was known to have a particular impact on women.

56. In his report to the Commission on Human Rights at its fifty-eighth session (E/CN.4/2002/59), he had provided guidelines on steps that needed to be taken to reduce discrimination. He had stressed the need to remove all the obstacles to the realization of women's right to adequate housing, including through the exercise of the right to inheritance, while paying special attention to women facing double discrimination and those facing eviction. It was important to institutionalize ethical land use and housing practices, as planning practices that were used to dispossess people were particularly hard on women, and to take residents' views into account when formulating planning policy.

57. The general comment should highlight the negative impacts of globalization, such as the imposition of user fees by privatized water and sanitation facilities, with particular reference to safeguarding the advances made in women's rights. In that context, the Committee might like to refer to the need to institutionalize inter-ministerial coordination within countries to ensure that the implementation of globalized trade policies did not lead States to contravene their obligations under the Covenant or to aggravate women's housing situation. In addition, if the high levels of discrimination against women were to be reduced, civil society would need to be mobilized and

provided with the tools that would allow it to play an effective advocacy role. More generally, it was important that the Committee should stress in its general comment that human rights should not be overridden by security considerations in the aftermath of the terrorist attacks on the United States on 11 September 2001.

58. With regard to the gap between the recognition of women's rights and their implementation, he recognized that fine-sounding legislation and court rulings were often contradicted by the reality on the ground in many parts of the world, and said that human rights education at all levels of society was the key to reducing that gap.

59. Lastly, he informed the Committee that the Commission on Human Rights had requested him to prepare a report on women and housing for its next session. In that connection he would be circulating a questionnaire to Governments and he hoped to be able to provide the Committee with some useful information before it completed the drafting of its general comment. Reports on his missions to various countries, which would include information on women's rights, would also be available to the Committee before the end of 2002.

60. Mr. SADI said that it sometimes seemed that one of the obstacles to the advancement of women was the attitude of women themselves. For instance, they did not always take the opportunity to elect female candidates in parliamentary elections. Women's reluctance to seize opportunities that would empower them appeared to be a particular problem in traditional societies.

61. The CHAIRPERSON agreed with Mr. Sadi that women did sometimes seem to acquiesce in a subordinate role, and were even happy to do so. She had observed such behaviour herself among indigenous and rural women who did not question the gender role assigned to them by their culture. The problem was barely addressed in human rights education, which needed to be adapted accordingly.

62. Ms. SOSA NISHIZAKI (Mexico) said that the framework of principles under consideration by the Committee should refer not only to article 3 but also to other articles in the Covenant, in order to help States parties to improve the implementation of the Covenant. Article 4 (1) of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures, could also be usefully referred to in the general comment and the Committee could draw on the expertise of the members of the Committee on the Elimination of Discrimination against Women in its work.

63. Ms. PONCINI (Chairperson of the NGO Committee on the Status of Women) said it was important to remember that the rights of women in society and the advancement of women's status were separate concepts. Stressing the indivisibility of human rights, she said that the right to development was also a fundamental right of women. The reluctance to accord women their rights to housing and health, for example, was rooted in historical developments, especially in the area of employment, and in stereotypical views of men's and women's economic and social roles. The situation in which some women acquiesced in the roles assigned to them by society had been brought about by men and it was only through the education of men, as well as women, that attitudes could begin to be changed.

64. Ms. GOONESEKERE (Committee on the Elimination of Discrimination against Women) said that the discussions had shown how the work of the Committee on Economic, Social and Cultural Rights and that of CEDAW could be mutually reinforcing in areas of common interest to them, such as domestic violence or political participation. It was important therefore to identify those areas in which their work was complementary and those in which it overlapped. While CEDAW saw women's rights as very much a human rights issue to be dealt with in a holistic fashion, it approached the basic concept of equality between men and women with greater specificity than the Committee. However, there were areas, such as housing, in which women's rights had to be approached from a perspective of formal equality. Temporary special measures should be seen not just in terms of formal equality, which had often failed to be translated into de facto equality, but within the context of a holistic approach to women's rights: women should not be seen just as victims but as human beings entitled to equality.

65. CEDAW had an advantage not enjoyed by the Committee, in that it had a definition of discrimination in the instrument it monitored, the Convention on the Elimination of All Forms of Discrimination against Women. The specific references to all forms of discrimination in the Convention meant that CEDAW was able to consider not just States parties' legislation but also their policies and programmes and, consequently, what action they were taking to integrate the Beijing Platform for Action into those policies and programmes. It seemed to her that States parties' policies on, for example, health or education were intimately connected with the realization of the rights set forth in the Covenant and that therefore it might be reasonable for the Committee to look at States parties' policies as well as at their laws and the effectiveness of their legislation. After all, policy measures were necessary for the process of enforcement, implementation and resource allocation. That was why many developing countries maintained that if human rights were indivisible the concept of development itself was not a separate right but part of the whole process of realizing human rights.

66. She believed there was consensus on the link between domestic violence and the denial of women's social, economic and cultural rights. She noted that both the Convention and the Covenant saw human rights in the context of the family unit and the broader community; the approach of CEDAW was to study the family unit to see if it was functional or not and to determine how problems related to it could be addressed. Cultural dimensions were of course important in family and community life, but cultures were dynamic and could change, so that the treaty bodies were entitled to question States parties on their approach to traditional practices and on how those practices related to their treaty commitments to bring about equality.

67. CEDAW paid a lot of attention to girls, especially with regard to education, health and the family. Indeed, the problems facing girls must be the starting point for any consideration of gender discrimination and the denial of opportunities to women in any society.

68. The CHAIRPERSON said that the day's discussion would stimulate the Committee to press ahead with its work on the drafting and adoption of a general comment on article 3 of the Covenant.

The meeting rose at 6 p.m.